

The Westfield Washington Township Board of Zoning Appeals met at 7:00 p.m. on Tuesday, February 11, 2014, at Westfield City Hall. Members present included Dan Degnan, Randy Graham, Martin Raines, and Ron Rothrock. Also present were Jesse Pohlman, Senior Planner; Andrew Murray, Associate Planner; Ryan Clark Associate Planner; and Brian Zaiger, City Attorney.

### **ELECTION OF OFFICERS**

Graham motioned to nominate Dan Degnan as Chairperson and Raines seconded. Upon a call to vote by the Chair, the motion passed with a vote of 4-0.

Graham motioned to nominate Martin Raines as Vice-chairperson and Rothrock seconded. Upon a call to vote by the Chair, the motion passed 4-0.

Martin motioned to nominate Ron Rothrock as Pro-tempore and Degnan seconded. Upon a call to vote by the Chair, the motion passed 4-0.

### **APPROVAL OF MINUTES**

Graham moved to approve the January 14, 2014, minutes.

Raines seconded, and the motion passed by 4-0 vote.

Pohlman reviewed the Public Hearing Rules and Procedures.

Bill Sanders arrived at 7:05 p.m.

### **NEW BUSINESS**

#### **1401-VS-03**

(PUBLIC HEARING)

#### **North side of Tournament Trail between Wheeler Rd. and Sun Park Dr.**

*Dairy Queen (JG3 Properties, LLC) and LOR Corporation*

The petitioner is requesting Variances of Standard from the Westfield-Washington Zoning Ordinance to allow: (i) a minimum setback line of thirty (30) foot from the west, south and east property lines (WC 16.04.030.F.5); (ii) the required Buffer Yard along the north and east property lines (WC 16.06.060) to not apply; (iii) a reduction in the area of the interior parking lot landscaping (WC 16.06.070); and (iv) the interior parking lot island requirement of unbroken rows of parking spaces (WC 16.06.070.2.d) to not apply.

Murray presented an overview of the four (4) requested variances of standard.

On behalf of the property owner, Steve Henke with Henke Development Group, Inc., presented the request including a background of the larger context of the Henke 31-32 Center and that they

have been working with Dairy Queen and LOR Corporation to complete the development of the remaining lot in a coordinated manner including collaboration on access, landscaping and shared trash facilities.

Henke introduced the representatives present from Weihe Engineering, Inc., on behalf of Dairy Queen, and Lor Corporation.

Rothrock asked why a reduction in the landscaping was requested.

Henke responded the perimeter buffer yard was not necessary to screen the adjacent industrial park, which already has landscaping in place, and the landscaping that will be installed will otherwise comply with the SR32 Overlay District.

Public Hearing opened at 7:17 p.m.

There were no public comments.

Public Hearing closed at 7:18 p.m.

Staff recommends approval of 1401-VS-03 with the following conditions:

1. The Petitioner shall record an acknowledgement of variance with the Hamilton County Recorder's Office prior to filing an application for Development Plan review.
2. The Petitioner shall work with Staff, the Department of Public Works and utility companies at the time of Development Plan review to coordinate the installation of additional plantings along the east property line that enhances the streetscape beyond the required perimeter parking landscaping but minimizes the conflict with the existing utility easement.

Raines motioned to approve 1401-VS-03 with Staff's recommendations.

Sanders seconded, and the motion passed 5-0.

Raines moved to adopt the Staff's findings of facts.

Rothrock seconded, and the motion passed 5-0.

**1402-VS-03**  
(PUBLIC HEARING)

**Southeast Corner of Shelbourne Road and Little Eagle Creek**  
*William and Karen Koss*

The petitioners are requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance for a reduction in the minimum lot frontage for a single-family home in the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.030(B)(5)).

Clark presented an overview of the requested variance of standard for a reduction in the minimum lot frontage.

Public Hearing opened at 7:24 p.m.

Margaret Washburn, 15140 Shelborne Road, noted she did not realize there was already an access easement for the parcel recorded. She expressed her concerns that the future home would be landlocked and not have any lot frontage which would potentially impact the property value and surrounding property values.

Public Hearing closed at 7:25 p.m.

Staff recommends approval of 1402-VS-03 with the following condition:

1. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.

Graham motioned to approve 1402-VS-03 with Staff's recommendation.

Rothrock seconded, and the motion passed 5-0.

Sanders moved to adopt the Staff's findings of facts.

Graham seconded, and the motion passed 5-0.

**1402-VS-04**                      **Approx. 1,500 ft. south of W. 159<sup>th</sup> St. and east of Shelborne Rd.**  
(Public Hearing)                      *William and Karen Koss*

The petitioner is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance for a reduction in the minimum lot frontage for a single-family home in the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.030(B)(5)).

Clark presented an overview of the variance of standard request for a reduction in the minimum lot frontage.

Public Hearing opened at 7:32 p.m.

Margaret Washburn, 15140 Shelborne Road, expressed she has the same concerns as she expressed with the prior petition (1402-VS-03).

Public Hearing closed at 7:33 p.m.

Staff recommends approval of 1402-VS-04 with the condition:

1. That the Petitioner records an Acknowledgement of Variance with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property.
2. That the Petitioner records a twenty (20) foot access easement with the Hamilton County Recorder's Office and returns a copy of the recorded instrument to the Economic and Community Development Department prior to the issuance of a building permit for the Property. The access easement shall be located off West 159<sup>th</sup> Street along the south side of the property as illustrated in Exhibit 4 of the Staff Report.

Raines motioned to approve 1402-VS-04 with Staff's recommendations.

Graham seconded, and the motion passed 5-0.

Raines moved to adopt the Staff's findings of facts.

Sanders seconded, and the motion passed 5-0.

**1402-VS-06**  
(WITHDRAWN)

**16246 Oak Road**  
*Matt Fritch*

The petitioner is requesting a Variance of Standard from the Westfield-Washington Township Zoning Ordinance for a reduction in the minimum side yard setback line for an accessory building in the Agriculture-Single Family Rural (AG-SF1) District (WC 16.04.100(2)(c)(ii)(2)).

### **REPORTS/COMMENTS**

#### **APC LIASON:**

Degnan provided a report of the Plan Commission's last meeting activities.

#### **EDC STAFF:**

No report.

The meeting adjourned at 7:40 p.m.

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Chairperson  
Dan Degnan

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Secretary  
Matthew Skelton, Director